IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 38335 of 2003(L)

PETITIONER:

K.P.ABDUL KHADER, S/O.KUNHIMAYAN,
AGED ABOUT 59 YEARS, RTD.SENIOR GRADE LECTURER,
RISHANA MAHAL, PO.KANHILERY,
VIA.MATTANNUR, KANNUR 670 702.

BY ADV. SRI.V.RAJAGOPAL
SRI.K.N.CHATHUKUTTY

RESPONDENTS:
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1. STATE OF KERALA REP. BY
PRINCIPAL SECRETARY(FINANCE) GOVERNMENT
SECRETARIAT, TRIVANDRUM.

2. THE ACCOUNTANT GENERAL (A&E) KERALA,
TRIVANDRUM.

3. THE DIRECTOR OF COLLEGIATE EDUCATION,
TRIVANDRUM.

4. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION, NORTH ZONE, KOZHIKODE.

5. THE REGISTRAR, KERALA AGRICULTURAL
UNIVERSITY, MANNUTHY, THRISSUR.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.
SMT.P.JAYA, SC, AGRL. UNIVERSITY
GOVERNMENT PLEADER SMT.T.B.RAMANI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.C.NO.38335/2003

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE COVERING LETTER DT. 1.9.1999 ISSUED BY THE 4TH RESPONDENT.

EXT.P2 : TRUE COPY OF THE REPORT DT. 12.11.2002 ISSUED BY THE 2ND RESPONDENT REVISING PENSIONARY BENEFITS.

EXT.P3 : TRUE COPY OF THE PROCEEDINGS OF THE 5TH RESPONDENT DT. 1.7.2000 SANCTIONING THE PENSION CONTRIBUTION.

EXT.P4 : TRUE COPY OF THE CHALAN NO.3509 DT. 14.7.2000 REMITTING PENSION CONTRIBUTION.

EXT.P5 : TRUE COPY OF GO(P) 383/89/FIN. DT. 29.8.89.

EXT.P6 TRUE COPY OF THE COMMUNICATION DT. 7.5.2003 FROM THE FIRST RESPONDENT.

EXT.P7 TRUE COPY OF THE GO(P) 228/01/FIN DT. 2.2.2001.

EXT.P8 TRUE COPY OF THE RELIEVING ORDER DT. 18.10.75 OF THE PETITIONER.

TGS

KURIAN JOSEPH, J.

W.P(C)No.38335 of 2003

Dated this the 30th day of March, 2007

JUDGMENT

The writ petition is filed mainly with the following prayer:-

> ii) issue a writ of mandamus or any other appropriate writ or order to include the service of the petitioner under the 5th respondent for the period from 7-9-73 to 20-10-75 for pension and other pensionary benefits.

It is seen from the counter affidavit filed on behalf of the University that as per Ext.P4 chalan the service gratuity in respect of the past service of the petitioner had already been remitted. In view of the decision of this court in Jacobkutty v. State of Kerala, 2004 (2) KLT 190, the petitioner is entitled to have the benefit of the service referred to above. There will be a direction to the 4th respondent to take appropriate action, in the light of the above decision with notice to the petitioner, to revise and refix the pension and disburse the consequential benefits within a period of three months from the date of production of a copy of the judgment along with a copy of the judgment referred to above.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.